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APR 04 2008

Attorney Docket No. 0104632-991110

PATENT

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jason John RUTHERGLEN et al.

Serial No.: 09/872,502

Examiner: Baum, Ronald

Confirmation No.: 1520

Art Unit: 2136

Filed: June 1, 2001

For: SECURE DATA ACCESSING SYSTEM AND METHOD

OFFICE OF PETITIONS

Assistant Commissioner for Patents

Washington, D.C. 20231

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. §1.313(c)(2)

In accordance with 37 C.F.R. §1.313(c)(2), Applicant petitions the Assistant Commissioner for Patents to withdraw the above-referenced application from issue to permit consideration of a Request for Continued Examination ("RCE") under 37 C.F.R. §1.114 accompanied by an Information Disclosure Statement under 37 C.F.R. §1.97.

The documents cited in the Information Disclosure Statement filed with the RCE came to Applicant's attention after payment of the issue fee on February 15, 2008. Applicant does not waive any right to appropriate action to establish patentability over the cited references should they be applied against the pending claims.

As suggested in M.P.E.P. §1308, the undersigned has contacted the Office of Petitions and has been informed by Ms. Brinkley that sufficient time remains before the patent issue date to consider and grant a petition under 37 C.F.R. §1.313(c). In accordance with M.P.E.P. §1308, this petition is sufficient grounds for consideration of an application in compliance with 37 C.F.R. §1.114 filed after payment of the issue fee. Accordingly, a Request for Continued Examination transmittal and fee is submitted herewith along with the IDS and PTO/SB/08.

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Page 2

The petition fee as set forth in 37 C.F.R. §1.17(h) and the filing fee for the RCE as set forth in 37 C.F.R. §1.17(e) is enclosed. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account 50-1283. A duplicate copy of this Petition is enclosed for this purpose.

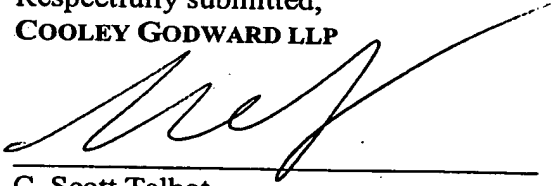
Prompt and favorable consideration of this petition is respectfully requested.

Dated: April 4, 2008

Cooley Godward LLP
ATTN: Patent Group
777 6th Street, N.W., Suite 1100
Washington, DC 20001
Tel: (703) 456-8000
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Respectfully submitted,
COOLEY GODWARD LLP

By:


C. Scott Talbot
Reg. No. 34,262

359464 v1/RE

Attorney Docket No. 0104632-991110

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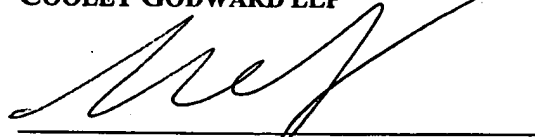
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Respectfully submitted,
COOLEY GODWARD LLP

By:



C. Scott Talbot
Reg. No. 34,262

359464 v1/RE



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CONFIDENTIAL PHRASES

TO:
Ms. Sherry Brinkley
U.S. PTO - Petitions Branch

Phone Number:
571-272-3282

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571-273-0025

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Total Pages Including Cover:

13

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REQUESTOR NUMBER:

13939

CLIENT MATTER:

0104632-991110

DELIVERY:**DATE:** April 4, 2008**FAX RECEIVED**

RE: Petition to Withdraw from Issue
RCE
Information Disclosure Statement

APR 04 2008

OFFICE OF PETITIONS**COMMENTS:**

Further to telephone discussions today between Mr. Talbot and Ms. Brinkley, attached is a Petition To Withdraw From Issue, RCE and Information Disclosure Statement for U.S. Serial No. 09/872,502, Filed June 1, 2001.

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CONFIDENTIAL PHRASES

TO: Ms. Sherry Brinkley U.S. PTO - Petitions Branch	Phone Number: 571-272-3282	Fax Number: 571-273-0025
FROM: Marilyn L. Harris Sender's Direct Line: (703) 456-8135 Reply Fax Number: (703) 456-8100 Total Pages Including Cover: 13		FOR COOLEY USE ONLY REQUESTOR NUMBER: 13939 CLIENT MATTER: 0104632-991110
DELIVERY: DATE: April 4, 2008 RE: Petition to Withdraw from Issue RCE Information Disclosure Statement		

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1